

Thomas J. Jenkins
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2024 DEC 16 PM 12:19

CLERK'S U.S. DISTRICT COURT
SACRAMENTO, CALIFORNIA

JMC

Counterclaimant without representation

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA RIVERSIDE DIVISION

13
RYAN STRILAEFF

Plaintiff(s),

v.

Thomas A. Jenkins, Thomas J. Jenkins,
Carole Jenkins, and TJJ SERVICE TRUST
Does 1 through 10 inclusive

Defendant(s).

Case No.: 5:24-cv-02624-JGB-DTB
State Court Case No. LLTVA2401373

Assigned to:

Hon. Judge Jesus G. Bernal
Hon. Magistrate Judge David T. Bristow

VERIFIED COUNTERCLAIM

1) 42 U.S.C. § 1983 - VIOLATION
OF 1ST AND 14TH AMENDMENTS,
U.S. CONSTITUTION
2) 42 U.S.C. § 3613 –
DISCRIMINATORY HOUSING
PRACTICE

DEMAND FOR JURY TRIAL

THOMAS J. JENKINS

Counter-claimant,

RYAN STRILAEFF

Counter-defendant.

I.

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to *28 U.S.C. §§ 1331, 1343, and 1367*.
2. Venue is proper in the Central District of California under *28 U.S.C. § 1391(b)* because the events giving rise to this claim occurred within this judicial district.

II.

PARTIES

3. Counter-claimant Thomas J. Jenkins is a resident of Loma Linda, California, and a practicing Christian.

4. Counter-defendant Ryan Strilaeff is a resident of Washington and the landlord of the property located at 11429 Via Rio, Loma Linda, California 92354.

III.

STATEMENT OF FACTS

5. On July 14, 2021, Counter-claimant entered into a residential lease agreement for the premises at 11429 Via Rio, Loma Linda, California 92354.

6. In December 2022, Counter-defendant and Counter-claimant engaged in a conversation about Christmas, during which Counter-defendant explicitly stated he was an atheist and demonstrated disinterest in Counter-claimant's Christmas well wishes.

7. During this conversation, Counter-defendant expressed negative opinions about Christians and Christianity.

1 8. In January 2023, Counter-defendant served Counter-claimant with a 30-day notice
2 to vacate without just cause and an unlawful detainer complaint (LLTVA 2301999, "1st UD
3 Complaint") filed in April 2023.

4 9. When Counter-claimant attempted to tender full rental payment, Counter-defend-
5 ant explicitly rejected the payment, stating he no longer wished to have Christians as tenants.

6 10. Counter-defendant's termination notice and rejection of payment were motivated
7 by religious discrimination.

8 11. Counter-claimant raised legal objections challenging the validity of the 30-day no-
9 tice, arguing that a 60-day notice with just cause was required.

10 12. After ongoing legal disputes and exchanges, in January 2024, Counter-defendant
11 dismissed the 1st UD Complaint (LLTVA 2301999), acknowledging he could not overcome
12 Counter-claimant's legal objections.

13 13. In January 2024, Counter-defendant issued a new 60-day notice to vacate without
14 cause and filed a second unlawful detainer complaint (LLTVA2401373, "2nd UD Complaint"),
15 which appeared to further mask his underlying motivations related to Counterclaimant's reli-
16 gious beliefs.

17 14. The series of notices, payment rejection, and legal actions suggest a consistent pat-
18 tern of conduct motivated by religious discrimination rather than legitimate housing con- cerns.

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20 IV.

21 COUNT ONE

22 **42 U.S.C. § 1983 - VIOLATION OF 1st AND 14th AMENDMENTS**

- 1 15. Counter-claimant incorporates all preceding paragraphs as if fully set forth herein.
- 2 16. Counter-defendant, acting under color of state law, deliberately violated Counter-
- 3 claimant's constitutional rights to free exercise of religion and equal protection.
- 4 17. Counter-defendant's actions constitute intentional discrimination based on reli-
- 5 gious affiliation, in violation of federal civil rights laws.
- 6 18. Counter-defendant's conduct was motivated by animus towards Counter-claim-
- 7 ant's religious beliefs, rendering the housing action unconstitutional.

8

9 **COUNT TWO**

10 **DISCRIMINATORY HOUSING PRACTICE**

11 **(42 U.S.C. § 3613)**

12 **HOUSING DISCRIMINATION UNDER FAIR HOUSING ACT**

- 13 19. Counter-claimant incorporates all preceding paragraphs as if fully set forth herein.
- 14 20. Pursuant to *42 U.S.C. § 3613*, Counter-claimant brings this direct civil action for
- 15 housing discrimination.
- 16 21. Counter-defendant's actions constitute discrimination in the sale or rental of
- 17 dwelling because of religion, in violation of the Fair Housing Act.
- 18 22. Specifically, Counter-defendant: a) Refused to rent a dwelling to Counter-claim-
- 19 ant; b) Made housing unavailable; c) Imposed different terms, conditions, or privileges of
- 20 rental; d) Directly communicated an intent to discriminate based on religious affiliation.
- 21 23. The discriminatory acts were intentional and motivated by religious animus.
- 22 Counter-claimant has suffered actual damages, including: a) Loss of housing; b) Emotional dis

1 tress; c) Costs associated with relocation; d) Damage to reputation.

2 24. Counter-defendant's conduct warrants punitive damages to deter future discrimi-
3 natory practices.

4

5 **PRAYER FOR RELIEF**

6 **WHEREFORE**, Counter-claimant respectfully requests that this Court:

7 a) Declare the termination notice void and unenforceable;
8 b) Issue a permanent injunction preventing further discriminatory actions;
9 c) Award compensatory damages in an amount to be determined at trial;
10 d) Award punitive damages;
11 e) Award reasonable attorneys' fees and costs; and
12 f) Grant such other and further relief as the Court deems just and proper.

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14 **DEMAND FOR JURY TRIAL**

15 Counter-claimant demands a trial by jury on all issues so triable.

16 Respectfully submitted,

17 Dated: December 16, 2024

18 By: 
19 Thomas J. Jenkins
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VERIFICATION

I, Thomas J. Jenkins, declare as follows:

I am the Counterclaimant in the above-entitled action.

I have read the foregoing VERIFIED COUNTER-CLAIM and know its contents.

The factual allegations are true and correct based on my personal knowledge, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

If called as a witness, I could and would competently testify to the matters stated herein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 16, 2024

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By: 
Thomas J. Jenkins

1 **PROOF OF SERVICE**
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I, Adam Figg, am over the age of 18 and not a party to this action. I am a resident of or
employed in the county where the mailing occurred; my business/residence address is: 30141
Antelope Road Ste d136, Menifee, California 92584.

On this 16th day of December, 2024, I served the foregoing document(s) described as:

7
8 **VERIFIED COUNTER-CLAIM**
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The following party was served:
RYAN STRILAEFF
C/O LOFTIN | BEDELL P.C.
ARIEL R. BEDELL, ESQ. (SBN: 228111)
APRIL E. ROBERTS, ESQ. (SBN: 254020)
2121 PALOMAR AIRPORT ROAD, SUITE 200
CARLSBAD, CA 92011
TEL: (760) 431-2111
FAX: (760) 842-0432

15
16 On the date below, I served the above documents by placing same in a postpaid envelope
17 properly addressed to Recipient at the said address and depositing same at an official depository
18 under the exclusive face and custody of the U.S. Postal Service within the State of California.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct.
21
22

DATED: December 16, 2024

By: Adam Figg
Adam Figg

I. (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>) THOMAS J. JENKINS		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) RYAN STRILAEFF			
(b) County of Residence of First Listed Plaintiff <u>San Bernardino</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Clark County WA.</u> (IN U.S. PLAINTIFF CASES ONLY)			
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. 11429 Via Rio Loma Linda, CA 92354 Phone: (619) 226-4846		Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. April E. Roberts, Esq. (SBN: 254020) 2121 Palomar Airport Road, Suite 200 Carlsbad, CA 92011 Tel: (760) 431-2111			
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)			
<input type="checkbox"/> 1. U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF 1 <input checked="" type="checkbox"/> DEF 1 Incorporated or Principal Place of Business in this State		
<input type="checkbox"/> 2. U.S. Government Defendant	<input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> PTF 2 <input checked="" type="checkbox"/> DEF 2 Incorporated and Principal Place of Business in Another State		
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF 3 <input checked="" type="checkbox"/> DEF 3 Foreign Nation		
			<input type="checkbox"/> PTF 4 <input checked="" type="checkbox"/> DEF 4		
			<input type="checkbox"/> PTF 5 <input checked="" type="checkbox"/> DEF 5		
			<input type="checkbox"/> PTF 6 <input checked="" type="checkbox"/> DEF 6		
IV. ORIGIN (Place an X in one box only.)					
<input type="checkbox"/> 1. Original Proceeding	<input checked="" type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened <input type="checkbox"/> 5. Transferred from Another District (Specify) <input type="checkbox"/> 6. Multidistrict Litigation - Transfer <input type="checkbox"/> 8. Multidistrict Litigation - Direct File		
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		(Check "Yes" only if demanded in complaint.)			
CLASS ACTION under F.R.Cv.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$			
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 42 USC 1983					
VII. NATURE OF SUIT (Place an X in one box only).					
OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 380 Other Personal Property Damage	Other:	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 196 Franchise	REAL PROPERTY	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	
<input type="checkbox"/> 485 Telephone Consumer Protection Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	
<input type="checkbox"/> 490 Cable/Sat TV		<input type="checkbox"/> 362 Personal Injury-Med Malpractice	CIVIL RIGHTS	FORFEITURE/PENALTY	
<input type="checkbox"/> 850 Securities/Commodities/Exchange		<input type="checkbox"/> 365 Personal Injury-Product Liability	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	
<input type="checkbox"/> 890 Other Statutory Actions		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 891 Agricultural Acts		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 442 Employment	LABOR	
<input type="checkbox"/> 893 Environmental Matters		<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act		<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 448 Education	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	SOCIAL SECURITY
					<input type="checkbox"/> 861 HIA (1395ff)
					<input type="checkbox"/> 862 Black Lung (923)
					<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
					<input type="checkbox"/> 864 SSID Title XVI
					<input type="checkbox"/> 865 RSI (405 (g))
					FEDERAL TAX SUITS
					<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court?		STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.		<input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input type="checkbox"/> Orange <input checked="" type="checkbox"/> Riverside or San Bernardino	Western Southern Eastern	
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.		B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2.	
		B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.		C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.	
		C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants?		A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →		D.2. Is there at least one answer in Column B? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. →		
QUESTION E: Initial Division?		INITIAL DIVISION IN CACD		
Enter the initial division determined by Question A, B, C, or D above: →		EASTERN DIVISION		
QUESTION F: Northern Counties? Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

IX(a). IDENTICAL CASES: Has this action been previously filed in this court?

NO

YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?

NO

YES

If yes, list case number(s): _____

If yes, you must file a Notice of Related Cases. See Local Rule 83-1.3.

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. STATEWIDE OR NATIONWIDE RELIEF: Does this case seek to bar or mandate enforcement of a state or federal law and seek declaratory or injunctive relief on a statewide or nationwide basis?

NO

YES

If yes, see Local Rule 83-11 for additional requirements.

XI. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): 

DATE: 12-16-2024

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))